

### **REMARKS**

The Office Action of March 10, 2010, has been reviewed and these remarks are responsive thereto. Claims 5 and 12 were previously canceled without prejudice or disclaimer. No new matter has been added. Claims 1-4, 6-11, and 13-36 are pending upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Rejections Under § 35 U.S.C. 103***

Claims 1, 4, 6-11, 13-19, 22-33, 35, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Internet Archive's CheckFree Website:

<http://web.archive.org/web/20000510083954/www.CheckFree.com>, hereinafter *CheckFree*, in view of "Naming and Synchronization in a Decentralized Computer System" Massachusetts Institute of Technology, 1978, to David Reed ("*Reed*"), and further in view of U.S. pub. no. 2002/0045422 to Iwase et al. ("*Iwase*"). Claims 2, 3, 20, 21, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *CheckFree*, in view of *Reed* and *Iwase*, and further in view of *Official Notice*. These rejections are respectfully traversed.

Claim 1 recites:

"... a file sweeper that is operable to sweep files received at the server to a plurality of other locations for application of the reconciliation software package at the plurality of other locations."

The Office Action at page 6 correctly indicates that *CheckFree* and *Reed* fail to teach or suggest a file sweeper that is operable to sweep files received at a server to a plurality of other locations. The Office Action at page 7 contends that *Iwase* at paragraphs [0070], [0076], and [0086] describes a gateway server and internet binder which receive files and stores them in a plurality of predetermined other locations (folders) according to information such as account name, folder name, etc. Even assuming (without admitting) that *Iwase* discloses what the Office Action at page 7 contends, *Iwase* fails to describe that the gateway server/internet binder stores the files at the predetermined other locations for application of a reconciliation software package at the predetermined other locations. Thus, notwithstanding whether a combination of

*CheckFree*, *Reed*, and *Iwase* would have been proper, *Iwase* fails to remedy the deficiencies of *CheckFree* and *Reed* described above with respect to claim 1. Claim 1 is distinguishable from the combination of documents for at least the foregoing reasons.

Moreover, as discussed at pages 9-10 of the “Amendment With Request For Continued Examination” filed October 21, 2009, *CheckFree* teaches away from a file sweeper that is operable to sweep files received at the server to other locations as recited in claim 1 because *CheckFree* at page 8 describes accumulating accounts for purposes of clarifying a total financial picture, and sweeping those files to other locations would run counter to the accumulation performed in *CheckFree*. Thus, one skilled in the art, starting from *CheckFree*, would not have had an apparent reason to modify *CheckFree* to include a file sweeper that is operable to sweep files received at the server to a plurality of other locations for application of a reconciliation software package at the plurality of other locations given the accumulation of accounts performed in *CheckFree* to clarify a total financial picture.

Independent claims 9, 24, and 35 recite features similar to those described above with respect to claim 1 and are distinguishable from the applied documents for at least reasons similar to those discussed above with respect to claim 1.

The dependent claims are distinguishable from the applied documents for at least the same reasons as their respective base claims, as any additional applied art (e.g., *Official Notice*) fails to cure the deficiencies of *CheckFree*, *Reed* and *Iwase* discussed above (notwithstanding whether any combination of the applied art would have been proper).

Furthermore, independent claim 35 recites “a sidekick component . . . configured to scan a processing status associated with the application of the reconciliation software package at the plurality of other locations and to verify the creation of the at least one created report by checking for a physical file.” As discussed above with respect to claim 1 (and claim 35), the applied documents fail to describe applying a reconciliation package at a plurality of locations, much less a sidekick component configured to scan a processing status associated with the application of that reconciliation software package at a plurality of other locations and verifying a creation of at least one created report by checking for a physical file as recited in claim 35. Nor does the Office Action at pages 3-7 even contend that one or more of the applied documents

describe such features. Claim 35 is distinguishable from the applied documents for at least these additional reasons.

On a more general note, in treating claims 1, 4, 6-11, 13-19, 22-33, 35, and 36 in the aggregate at pages 3-7 of the Office Action, the Office has improperly distilled those claims down to their “gist” or “thrust,” thereby disregarding the requirement that the subject matter of a claim be analyzed as a whole. MPEP §§ 2141.02 (I), (II). As a specific example, claim 36 recites “wherein the database monitoring tool is configured to present the reconciliation results when a website lockout associated with the database monitoring tool is in a disabled state.” The Office Action fails to indicate that the applied documents describe such features, yet alone what passage(s) from those documents allegedly describe a database monitoring tool configured to present reconciliation results when a website lockout associated with the database monitoring tool is in a disabled state as recited in claim 36.

In the event that the Office maintains a rejection of the claims, Applicants request clarification in the next communication as to where in the applied documents the features of each of the claims are allegedly described. Moreover, given the deficiencies of the Office Action described above in terms of failure to adequately address features recited in the claims, Applicants respectfully request that if the next communication is an office action/rejection that the office action be made “non-final,” as Applicants have not been afforded a meaningful opportunity to address the standing rejections. *See* MPEP § 706.07 (providing that before a final rejection is in order a clear issue should be developed between the examiner and applicant; to bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied . . . present practice does not sanction hasty and ill-considered final rejections; the applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application . . . the examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue

between applicant and examiner should be developed, if possible, before appeal) (emphasis added).

### **CONCLUSION**

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly. All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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